

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Joshua P. Braithwaite v. Ben Tierney, Wyatt Weadge, Matthew
Mutiva, Jacob Strong and Chad Winger

Braithwaite · No. 24-cv-15-wmc · Decided March 4, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin grants in part and denies in part defendants’ motion for summary judgment in a prisoner’s claims concerning alleged failures to prevent self-harm. The court grants summary judgment on the Eighth Amendment claim against Ben Tierney arising from the January 16, 2021 incident and on all claims against Matthew Mutiva and Chad Winger. The court denies the motion in other respects, allowing the Wisconsin negligence claim against Tierney from the January 16 incident and claims concerning the January 21 incident to proceed.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	March 4, 2026
DOCKET	24-cv-15-wmc
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights action asserting Eighth Amendment and Wisconsin common-law claims concerning alleged failures by prison security staff to prevent or stop self-harm. Defendants moved for summary judgment; the motion was granted in part and denied in part.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. At summary judgment, disputed facts are viewed in the light most favorable to the nonmoving party, but favorable inferences must be supported by admissible evidence rather than speculation or conclusory statements.
PRECEDENTIAL VALUE	Unknown; district court opinion with no reporter citation in the source

PARTIES

Joshua P. Braithwaite v. Ben Tierney, Wyatt Weadge, Matthew Mutiva, Jacob Strong, Chad Winger

TOPICS

prisoners rights

cruel and unusual punishment

summary judgment

negligence

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional torts

summary judgment

negligence

QUESTIONS PRESENTED

1. Whether summary judgment should be granted on Braithwaite's Eighth Amendment claim against Tierney arising from the January 16 incident.
2. Whether summary judgment should be granted on Braithwaite's Eighth Amendment and Wisconsin common-law claims against Mutiva and Winger.
3. Whether Braithwaite's Wisconsin common-law negligence claim against Tierney arising from the January 16 incident should proceed despite summary judgment on the Eighth Amendment claim.
4. Whether Braithwaite's claims against Weadge, Strong, and Tierney arising from the January 21 incident should proceed.

HOLDINGS

1. An isolated statement that an inmate is going to kill himself, without identifying a means of self-harm, stating that the plans are imminent, or providing other evidence making the threat credible, is insufficient on this record to establish that prison staff knew of a strong likelihood that the inmate would seriously harm himself.
2. Summary judgment is proper on Braithwaite's Eighth Amendment and Wisconsin common-law claims against Mutiva and Winger where the record contains no evidence that either defendant observed Braithwaite cutting himself or was otherwise involved in the January 21 incident, and the plaintiff was not permitted to proceed on claims based solely on refusal to place him on observation status.
3. The January 16 Wisconsin common-law negligence claim against Tierney was not resolved on summary judgment because defendants made no argument addressing that claim; it therefore proceeds to trial.

KEY QUOTATIONS

“Thus, to trigger the Eighth Amendment, an inmate’s indication of self-harm must be both credible and imminent.” (Opinion)

“Specifically, the Seventh Circuit has held that prison staff are “neither required nor expected to believe everything inmates tell them,”” (Opinion)

“At summary judgment, the court views disputed facts in a light most favorable to the plaintiff, as the non-moving party, and construes all reasonable inferences from the evidence in his favor,” (Opinion)

FACTUAL BACKGROUND

Braithwaite was incarcerated in the restrictive housing unit at Wisconsin Secure Program Facility. On January 16, 2021, he told Sergeant Ben Tierney that he was going to kill himself before prison staff killed him, then cut his forearm with a pen and was transported to a hospital. On January 21, he again cut himself and alleged that Tierney, Jacob Strong, and Wyatt Weadge watched for between thirty minutes and an hour before responding after he activated his emergency intercom. The record contained no evidence that Matthew Mutiva or Chad Winger observed or otherwise participated in the January 21 incident, although Braithwaite alleged that they had refused to place him on observation status.

PROCEDURAL HISTORY

Braithwaite was granted leave to proceed on Eighth Amendment and Wisconsin common-law claims arising from incidents on January 16 and January 21, 2021. Defendants moved for summary judgment, later withdrawing the motion as to claims against Weadge, Strong, and Tierney arising from the January 21 incident. The court granted summary judgment on Tierney's January 16 Eighth Amendment claim and on all claims against Mutiva and Winger, while allowing the remaining claims to proceed to trial.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. The remaining negligence claim against Tierney arising from January 16 and the claims against Weadge, Strong, and Tierney arising from January 21 proceed to trial.

CASES CITED

- Trade Fin. Partners, LLC v. AAR Corp., 573 F.3d 401, 406-07 (7th Cir. 2009)
- Parker v. Four Seasons Hotels, Ltd., 845 F.3d 807, 812 (7th Cir. 2017)
- Grant v. Trustees of Ind. Univ., 870 F.3d 562, 568 (7th Cir. 2017)
- Bordelon v. Bd. of Educ. of the City of Chicago, 811 F.3d 984, 989 (7th Cir. 2016)
- Farmer v. Brennan, 511 U.S. 825, 846 (1994)
- Lord v. Beahm, 952 F.3d 902, 905 (7th Cir. 2020)
- Rice ex rel. Rice v. Corr. Med. Servs., 675 F.3d 650, 669 (7th Cir. 2012)
- Paul v. Skemp, 2001 WI 42, ¶ 17, 242 Wis. 2d 507, 625 N.W.2d 860 (2001)
- Olson v. Morgan, 750 F.3d 708, 713 (7th Cir. 2014)
- Horshaw v. Casper, 910 F.3d 1027, 1029 (7th Cir. 2018)
- Szopinski v. Koontz, 832 F. App'x 449, 451 (7th Cir. 2020)
- Johnson v. Garant, 786 F. App'x 609, 610 (7th Cir. 2019)
- Wright v. Funk, 853 F. App'x 22, 24 (7th Cir. 2021)
- Szopinski v. Walker, No. 20-CV-1044-JDP, 2022 WL 2046209, at *3 (W.D. Wis. June 7, 2022)

- Williams v. Stacy, No. 18-C-1426, 2020 WL 6136148, at *2 (E.D. Wis. Oct. 19, 2020)

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